

APPENDIX

Supreme Court, U. S.
FILED
2
JULY 22 1973

MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1972 / 1973

72 - 1019

NO. A-534

HELEN STEIN GAUDET, ADMINISTRATRIX
OF THE ESTATE OF ANTREY C. GAUDET, SR.,

Appellees

versus

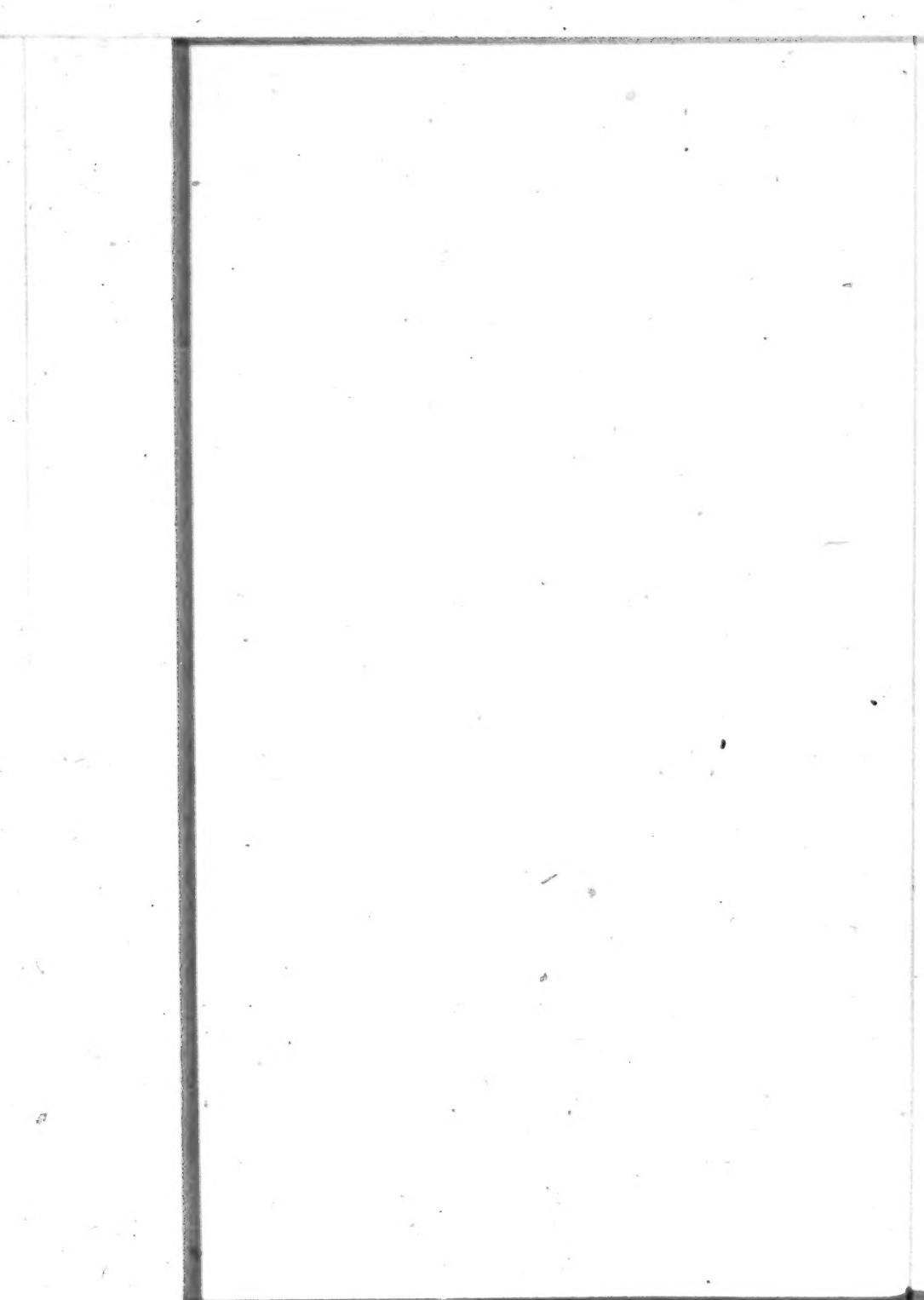
SEA-LAND SERVICES, INC.,

Appellant

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIFTH CIRCUIT

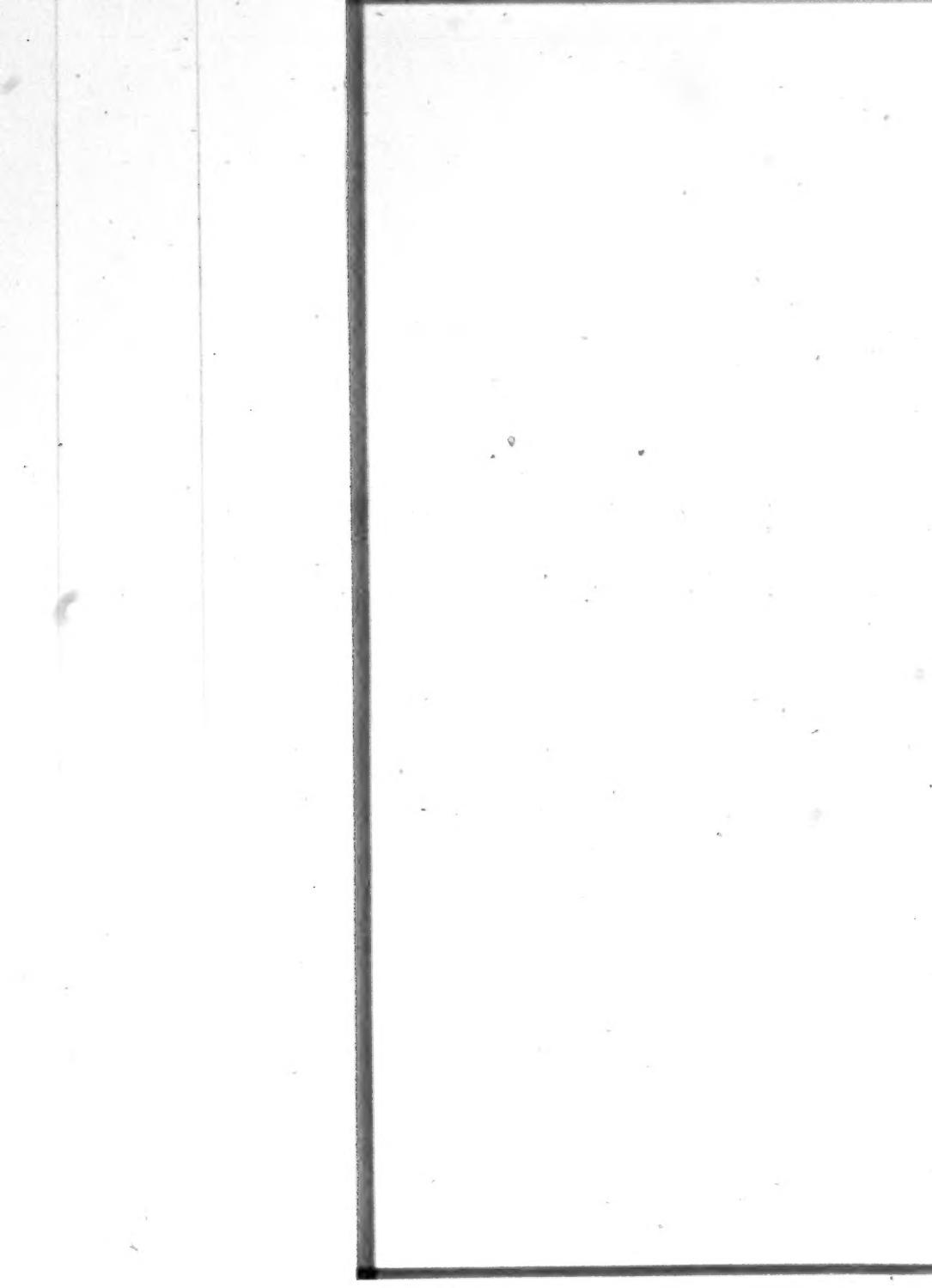
PETITION FOR CERTIORARI FILED
January 22, 1973

CERTIORARI GRANTED
May 7, 1973



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APPENDIX

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1972

NO. A-534

**HELEN STEIN GAUDET, ADMINISTRATRIX
OF THE ESTATE OF AWTREY C. GAUDET, SR.,**

Appellees

v.

SEA-LAND SERVICES, INC.

Appellant

**ON WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

**PETITION FOR CERTIORARI FILED JANUARY 22, 1973
CERTIORARI GRANTED MAY 7, 1973**

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APPENDIX

Complaint of Awtrey C. Gaudet vs.
Sea-Land Services, Inc. in the
United States District Court for
the Eastern District of Louisiana,
New Orleans Division, No. 67-1276,
Section "C"

Appendix No. 1

Judgment in favor of Awtrey C.
Gaudet and against Sea-Land
Services, Inc. in the sum of
\$140,000.00 and costs

Appendix No. 2

Complaint of Helen Stein Gaudet,
Administratrix of the Estate of
Awtrey C. Gaudet, Sr. vs. Sea-Land
Services, Inc. in the United States
District Court for the Eastern
District of Louisiana, New Orleans
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Appendix No. 3

Minute Entry of the United States
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Complaint of Helen Stein Gaudet
in Case No. 70-3035

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of Appeals for the Fifth Circuit

Appendix No. 5

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States Court of Appeals for the
Fifth Circuit

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APPENDIX NO. 1

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

AWTREY C. GAUDET CIVIL ACTION
AGAINST IN ADMIRALTY
SEA-LAND SERVICES, INC. NO. 67-1276
 SECTION G
 COMPLAINT

I

That at all times hereinafter mentioned, the plaintiff was and still is, a citizen of the State of Louisiana, and residing at 4722 Good Drive, New Orleans, Louisiana; defendant is a corporation organized under the laws of and domiciled in the State of New Jersey.

II

At all times mentioned herein, the defendant was, and still is, the owner and operator of the S/S CLAIBORNE, which at the time of the occurrence herein was a merchant ship, said vessel can now be found or during the pendency of this action will be within the Port of New Orleans and within the territorial jurisdiction of the United States.

III

That the plaintiff was employed as a longshoreman aboard said vessel, which was docked in the Mississippi River on October 29, 1966 on the navigable waters of the

United States in the City of New Orleans,
State of Louisiana.

IV

That at the time and place mentioned above, plaintiff was going about his duties as a longshoreman when he slipped, coming from a tier of cargo, injuring his back.

V

That the accident and resulting injury was caused by the unseaworthiness of the S/S CLAIBORNE in that it was not provided with ladders to go from tier to deck and the deck was greasy.

That prior to these injuries, plaintiff was a strong, able-bodied man gainfully employed and capable of earning in excess of One Hundred (\$100.00) Dollars per week. As a result of these injuries, plaintiff has been unable to pursue his occupation with the same degree of proficiency and he has sustained permanent disability, has suffered physical agony and will continue to do so and has suffered loss of wages and will continue to do so.

WHEREFORE, plaintiff demands judgment against Sea-Land Services, Inc. in the full sum of Two Hundred and Fifty Thousand (\$250,000.00) Dollars.

Please Serve
Defendant:
Sea-Land Services,
Inc. through
Secretary of State

REESE & ABADIE
PETER J. ABADIE, JR.
ATTORNEYS FOR PLAINTIFF
627 N.B.C. BLDG. 523-1953
NEW ORLEANS 70112

APPENDIX NO. 2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

AWTREY C. GAUDET CIVIL ACTION
versus NO. 67-1276
SEA-LAND SERVICES, INC. SECTION "C"
Filed: June 25, 4:11 p.m., 1970

JUDGMENT

Considering the answers returned by the jury herein, to the interrogatories propounded to it by the Court on June 23, 1970, and considering the direction of the Court as to the entry of judgment;

IT IS ORDERED, ADJUDGED AND DECREED that there be judgment herein, in favor of plaintiff, Awtrey C. Gaudet, and against defendant, Sea-Land Services, Inc., in the sum of \$140,000.00 and costs.

Dated at New Orleans, Louisiana, this 25th day of June, 1970.

Benjamin W. Reisch
BENJAMIN W. REISCH, Clerk

By /s/ Nelson B. Jones
Nelson B. Jones, Chief
Deputy Clerk

Approved as
to form:

/s/ Alvin B. Rubin
UNITED STATES DISTRICT JUDGE
George W. Reese, Esq.
Andrew T. Martinez, Esq.
Stuart A. McClendon, Esq.

APPENDIX NO. 3

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISIONHELEN STEIN GAUDET, ADMINISTRATRIX
OF THE ESTATE OF AWTRY C.

GAUDET, SR.

AGAINST

SEA-LAND SERVICES, INC.

CIVIL ACTION
70-3035

SECTION B

COMPLAINT

Plaintiff is domiciled in the State of Louisiana and is the administratrix of the estate of Awtry C. Gaudet, Sr., and resides at 4722 Good Drive, New Orleans, Louisiana; defendant is a corporation organized under the laws of and domiciled in the State of New Jersey. The matter in controversy exceeds \$1,000.00 exclusive of interest and costs.

II.

At all times mentioned herein, the defendant was, and still is, the owner and operator of the S/S Claiborne, which at the time of the occurrence herein was a merchant ship, said vessel can now be found or during the pendency of this action will be within the Port of New Orleans and within the territorial jurisdiction of the United States

III.

That Awtry C. Gaudet, Sr. was employed as a longshoreman aboard said vessel, which

was docked in the Mississippi River on October 29, 1966 on the navigable waters of the United States in the City of New Orleans, State of Louisiana.

IV.

That at the time and place mentioned above, Awtrey C. Gaudet, Sr. was going about his duties as a longshoreman when he slipped, coming from a tier of cargo, injuring his back.

V.

That the accident and resulting injury was caused by the unseaworthiness of the S/S Claiborne in that it was not provided with ladders to go from tier to deck and the deck was greasy.

VI.

That plaintiff was defendant for support on the said Awtrey C. Gaudet, Sr. and that as a result of the injuries and treatment resulting therefrom described in Paragraph IV, the said Awtrey C. Gaudet died on June 29, 1970.

VII.

That as a result of the death of Awtrey C. Gaudet, Sr. plaintiff suffered severe financial loss.

VIII.

That the unseaworthiness of the said S/S CLAIBORNE as described in Paragraph V of this Complaint has already been decided

by a judgment of this Court and is now
res judicata.

WHEREFORE, plaintiff demands judgment
against Sea-Land Services, Inc. in the full
sum of TWO HUNDRED and FIFTY THOUSAND
(\$250,000.00) DOLLARS.

REESE & ABADIE
GEORGE W. REESE
Attorney for Plaintiff
627 NBC Building
523-1953
New Orleans 70112

PLEASE SERVE DEFENDANT:

Sea-Land Services, Inc.
Through Secretary of State

APPENDIX NO. 4

The Minute Entry of the United States District Court, Eastern District of Louisiana, dismissing the Complaint of Helen Stein Gaudet in Case No. 70-3035 has been included in Appellant's Petition for Writ of Certiorari as Appendix "A".

APPENDIX NO. 5

The Opinion of the United States Court of Appeals
for the Fifth Circuit has been included in
Appellant's Petition for Writ of Certiorari
as Appendix "B".

APPENDIX NO. 6

The Order Denying Rehearing by the United States Court of Appeals for the Fifth Circuit has been included in Appellant's Petition for Writ of Certiorari as Appendix "C".